Message

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Sent: 12/4/2018 4:04:42 PM
To: Salkie, Diane [Salkie.Diane@epa.gov]
CC: Nickerson, Jay [jay.nickerson@dep.nj.gov]; Cinque, Anthony [Anthony.Cinque@dep.nj.gov]; Ramirez, Myla [Myla.Ramirez@dep.nj.gov]; rlaw@demaximis.com; Otto@demaximis.com
Subject: NJDEP Review Comments for the Upper 9 Mile Interim Remedy draft FSWP Addendum, Nov. 12, 2018

Diane,

Review of the subject FSWP Addendum, dated November 12, 2018, has been completed. This addendum is meant to address a changed remedial course for this project, from a traditional RI/FS process, to instead, a Feasibility Study in support of a Source Control Interim Remedy (IR) for the upper 9 miles of the Lower Passaic River Study Area (17-Miles). This document, when finalized, is expected to replace the prior approved Feasibility Study Work Plan, March 2015. As indicated below, some comments recommend specific document revisions, whereas, others request clarifications that may or may not result in changes to the draft FSWP Addendum text; this could be discussed/decided in the next IR working group meeting.

Comments

1. Introduction, Section 1.1, Regulatory Setting:

a. Last sentence of first paragraph describes the status of the RI work completed to date. The NJDEP is not in agreement that the ecological risks (entire 17 miles) have been comprehensively nor conclusively characterized per either the Superfund program or the State's Site Remediation and Waste Management Program to the degree needed for remedial decision-making relative to protection of ecological receptors.

b. Last paragraph regarding CSTAG involvement requires modification to address the following clarifications:

-- CSTAG conducted a focused review of the CPG's February 2018 Interim Remedy Proposal/Approach, in the context of available site-specific information generated through the remedial investigation. CSTAG did not conduct a review of the LPRSA RI/FS.

-- Although CSTAG concurred that the central elements of the IR were consistent with OLEM Directive 9200.1-130, and therefore supported an IR concept for this project, they did not completely accept the proposal in its form at that time. CSTAG provided 10 detailed and substantive recommendations to improve the framework and shaping of the IR proposal, to better assure its success. These recommendations are considered guiding principles and therefore their influence should be mentioned here.

2. Section 1.2, Rationale for IR:

a. Bottom of pg. 1-2: For the sentence starting with: "In summary....", remove the word "discrete" and change "net" to "ongoing" when referring to erosional areas.

Rationale: "discrete" implies small and well-defined, which is likely not the case; "net" potentially limits concept of water column contaminant sources to only net erosional areas, which is also likely not the case. Areas of cyclical erosion, despite exhibiting lower contaminant concentrations, are also contributing unacceptable levels of contaminants to the water column on a more frequent basis and may comprise a greater percentage of river bed surface area.

b. Last paragraph of this section (middle of page 1-3): The last sentence describes net flux processes that release contaminants to the water column; remove the word "might", so last phrase states: "....and the episodic erosion that occurs during high flow events.

3. Section 1.2.1, Deposition and Recovery: With regard to referenced Fig 3 and other similar figures, when describing data observations for specific areas of interest, such as, net deposition, net erosion, cyclical erosion/deposition, no change, and/or no measurable change, the percent area each approximately represents should be also be described for improved perspective of their potential role/influence on the system.

4. Section 1.3, Objectives and Scope of the IR Source Control FS: For improved clarity regarding expected long-term performance, in the last sentence, amend the phrase: "numerical remediation goals" to "CERCLA risk-acceptable remediation goals" and indicate that these will be established for and attained by the final ROD for this operable unit.

5. Section 2.1, RAOs: Amend the last sentence to include: "...and provide a basis with which to measure success of the Interim Remedy", or similar statement.

6. Section 2.4, Remedial Alternatives: Clarification is needed for the purpose/intent of the following statement: "The no further action alternative will include the earlier removal action at RM 10.9." When, and on what basis, was a determination made that the RM 10.9 TCRA is considered a final remedy?

7. Section 2.5, Remedial Alternative Footprints: For clarification, note that available sediment data will be used along with the conditional simulation mapping as basis for developing preliminary remedial alternative footprints. Also, what is meant by the "sediment stability/erosion evaluation" and where is this presented within the RI?

8. Section 2.10, Adaptive Management: Clarification is needed for when and how adaptive management (AM) is applied to this project. As currently described, AM seems primarily triggered at the backend of this project,

during post-remedial construction monitoring. It's unclear why application of AM would be restricted in this way. Ongoing discussions between stakeholders have framed the LPRSA IR and its expedited process as an AM approach.

9. Section 3.1, FS Report sections, Section 6: As stated in Section 2.8 (FS Projection Runs), caution is needed for the role of the models at this stage of the process (ROD 1 FS). With no new data collected before ROD 1, and given the known limitations of these models, especially for the upper 9 miles of the river, the degree of their utility for the ROD 1 IR is not well known (but could be described in the FSWP).

10. Regarding suggested appendices:

a. Please clarify what is meant by "Waterways Conditions Assessment" -- was this presented in the RI, or is it a new effort/task?

b. Fourth bullet mentions In situ treatment options. This category was not previously described relative to this source control IR, which is characterized as a dredging and capping removal action. For clarification, under what conditions are in situ treatment options being considered? (and how will such areas be incorporated in the sediment bed SWACs?)

c. Long-term effectiveness metrics analysis is also needed (i.e., long term monitoring to determine remedy performance relative to the interim and final remedial action objectives and remedial goals).

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